THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.18149/1995

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Sri Thyagaraya Gana Sabha, Thyagaraya Nagar, Chikkadpally, Hyderabad represented by its General Secretary G.S.S.Srinivas ..Petitioner

V.

1. The Andhra Pradesh State Electricity Board, Hyderabad represented by its Secretary, Vidyut Soudha, Hyderabad and another.

..Respondents.

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ORAL ORDER

The petitioner who is a commercial and non-domestic customer of electricity provided with Service Connection No.F4 8026 applied for change of category from II to VII ie., for general purpose. On the letter written by the petitioner, the respondent-Board addressed a letter dt. 22-3-1994 stating that the petitioner-Sabha is not a Government auditorium and it cannot be classified under LT category-VII. Since consumption charges to a tune of Rs.1,25,131/- are outstanding by the end of January, 1995 against Service Connection No.F4-8026 pertaining to the petitioner, the respondent-Board called upon the petitioner through its letter dt. 27-3-1995 to pay the entire arrears immediately to avoid disconnection, pending passing of appropriate orders with regard to change of category from II to VII, which is under examination of the Superintending Engineer (Operation) Hyderabad Circle and will be

finalized on receipt of the instructions from the Superintending Engineer (Operation) Hyderabad. Since the petitioner was facing threat of disconnection, it moved this court by filing the preset writ petition for change of the name of G.R.C. Account No.F4-8026 from Sri Satyanarayana Sastry to Sri Thyagaraya Gana Sabha and category of electricity supply from Category-II to Category-VII from 6-6-1992 and for adjustment of the electricity consumption charges accordingly.

In the counter-affidavit filed by the respondent-Board, it is categorically asserted that Thagaraya Gana Sabha is not a Government auditorium and it cannot be classified under LT Category-VII. It is further stated that service connection was released in the name of Sri Satyanarayana Sastry under LT Category-II ie., non-domestic and commercial category. The President of petitioner-Sabha, Sri Kala Subba Rao made a representation dt. 6-6-1992 for change of name and also service connection category from II to VII, which is applicable for supply of energy to the places of worship like Churches, Temples and Mosques, Charitable Institutions and recognized service institutions. The petitioner-Sabha is having an auditorium, which is being let out for functions such as marriages and is collecting rent at Rs.5000/- per day towards service charges. Apart from the same, they are collecting electricity consumption charges at commercial rates from the persons who took the auditorium on hire. Though the President of the Sabha was called upon to furnish relevant material for conversion of category from II to VII, which is applicable for charitable institutions, has not furnished the proof or evidence in justification of their claim. The same has been informed through letter dt. 22-3-1994.Further he was informed that only after clearing all dues by the original consumer, who has taken service connection pending on the date of transfer along with the copies of other registered documents, its case will be considered.

The only submission made by Sri Koka Raghava Rao, learned counsel for the petitioner-Sabha that once the respondents admitted that matter is pending examination by Superintending Engineer (operation) Hyderabad Circle, a direction may be issued to pass appropriate orders without insisting for payment of arrears.

Learned Standing Counsel for the respondent-Board submits that in spite of requesting the petitioner to produce sufficient material for change of category II to VII, it had not furnished the same.

Having regard to the facts and circumstances of the case, unless petitioner filing necessary documents including audit and income and expenditure statement, which are relevant for

the Board to decide whether the petitioner-Sabha is a charitable organization or any other recognized service organization and entitled to the benefits applicable to the said organizations, it cannot claim any benefit of conversion from Category-II to VII. Accordingly, two weeks (2) time is granted to the petitioner, from the date of receipt of a copy of the order, to make available the relevant material before the concerned authority. On making such material, the concerned authority shall pass appropriate order after providing sufficient opportunity to the petitioner. If no documents are filed within the time granted, the respondent-Board is at liberty to recover the amount due from the consumer. The amount due by the consumer will abide by the decision of the concerned authority while concerting Category-II to VII.

With the above directions, the writ petition is accordingly disposed of. No costs.

Kmr 21-3-2006